STATUTORY INSTRUMENTS

1967 No. 1803 (S. 166)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Electronic Valves) Exemption (Scotland) Order 1967

Made - - -	*30th November* 1967
Laid before Parliament	*12th December* 1967
Coming into Operation	*15th December* 1967

In exercise of the powers conferred on me by sections 2(6) and (7), 4(2), 6(5), 7(4), 15(3) and 20(*a*) of the Radioactive Substances Act 1960(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Radioactive Substances (Electronic Valves) Exemption (Scotland) Order 1967, and shall come into operation on 15th December 1967.

Interpretation

2.—(1) In this order—

"the Act" means the Radioactive Substances Act 1960;

"class 1 valve" means a valve falling within one or other of the following descriptions, that is to say—

(*a*) a valve in which—

(i) there is only one specified radionuclide; and

(ii) the number of microcuries of the specified radionuclide does not exceed the number specified opposite its name in column (2) of the Schedule to this order;

(*b*) a valve in which—

(i) there are 2 or more specified radionuclides; and

(ii) the number of microcuries of each specified radionuclide is such that, if that number were divided by the number specified opposite the name of that radionuclide in column (2) of the said Schedule, and if the corresponding quotient were similarly calculated in respect of every other specified radionuclide in the valve, and if all the quotients were then added together, the sum would not exceed 1;

"class 2 valve" means a valve which is not a class 1 valve and which falls within one or other of the following descriptions, that is to say—

(a) 1960 c. 34.

(*a*) a valve in which—

(i) there is only one specified radionuclide, that one not being tritium; and

(ii) the number of microcuries of the specified radionuclide does not exceed the number specified opposite its name in column (3) of the Schedule to this order;

(*b*) a valve in which—

(i) there are 2 or more specified radionuclides;

(ii) the number of microcuries of each specified radionuclide (other than tritium) is such that, if that number were divided by the number specified opposite the name of that radionuclide in column (3) of the said Schedule, and if the corresponding quotient were similarly calculated in respect of every other specified radionuclide (other than tritium) in the valve, and if all the quotients were then added together, the sum would not exceed 1; and

(iii) the number of microcuries of tritium (if any) does not exceed 150;

"class 2 waste" means radioactive waste falling within Article 10(1) of this order;

"decay products" means, in relation to any radionuclide, the radionuclides succeeding it in the radioactive series in which it and they occur;

"specified radionuclide" means a radionuclide specified in column (1) of the Schedule to this order;

and any reference to an exempted valve is a reference to a valve falling within Article 5(*a*) of this order so kept or used as to be within the exemption from registration granted by Article 3, and any reference to an exempted article is a reference to an article falling within Article 5(*b*) so kept or used as to be within the exemption from registration granted by Article 3 or an article which is mobile radioactive apparatus in respect of which exemption from registration is granted by Article 8.

(2) For the purposes of paragraph (*a*) of Article 7 of this order and paragraph (2)(*c*) of Article 10, all premises in the same occupation and lying within the same curtilage shall together be treated as the premises in respect of which the conditions in those paragraphs apply.

(3) The Interpretation Act 1889(**a**) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Exemption from registration under section 1 *of the Act*

3. Subject to the provisions of Articles 6 and 7 of this order, any person who, on any premises to which this Article applies which are used for the purposes of any undertaking carried on by him, keeps or uses or causes or permits to be kept or used any radioactive material to which this Article applies is hereby granted exemption from registration under section 1 of the Act (which provides for the registration of persons who keep or use radioactive material) in respect of those premises and the keeping and use thereon of that radioactive material.

Classes of premises to which exemption relates

4. The last preceding Article does not apply to premises used for or in connection with the manufacture of radioactive material falling within Article 5 of this order or for the storage of such material by the manufacturer, but, save

(**a**) 1889 c. 63.

as aforesaid, applies to premises of any class.

Descriptions of radioactive material to which exemption relates

5. Article 3 of this order applies to radioactive material falling within either of the following descriptions, that is to say—

(*a*) an electronic valve, being a class 1 valve or a class 2 valve, in which—

(i) there are no radionuclides other than one or more of those specified in the Schedule to this order and its or their decay products; and

(ii) the number of microcuries of each of the decay products of any specified radionuclide does not at any time exceed the number of microcuries of that decay product which would be present at that time if that decay product were then in a state of equilibrium with that radionuclide in the valve;

(*b*) any apparatus, equipment or appliance which is radioactive material solely because it incorporates an electronic valve or valves falling within the preceding paragraph.

Exemption under section 1 without limitation or conditions

6. The exemption granted by Article 3 of this order in respect of the keeping and use of—

(*a*) a class 1 valve; and

(*b*) an article falling within Article 5(*b*) of this order,

is granted without any limitation or condition.

Exemption under section 1 subject to conditions

7. The exemption granted by Article 3 of this order in respect of the keeping and use of a class 2 valve is granted subject to the conditions that—

(*a*) not more than 10 class 2 valves (excluding those incorporated in exempted articles) are on the premises at any one time; and

(*b*) when not in use, the valve is kept in a container (except when removed for any necessary testing or inspection) marked with, or having attached or affixed to it a label bearing, the words "Radioactive electronic valve" in letters of adequate size, distinctly and legibly printed and conspicuously visible.

Exemption from registration under section 3 of the Act

8. Any person is hereby granted exemption from registration under section 3 of the Act (which provides for the registration of mobile radioactive apparatus) in respect of mobile radioactive apparatus consisting of an article falling within Article 5(*b*) of this order, without any limitation or condition.

Exclusion of certain descriptions of radioactive waste from sections 6 and 7 of the Act

9.—(1) Radioactive waste falling within any of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste—

(i) consisted or formed part of an exempted class 1 valve or a class 1 valve incorporated in an exempted article; or

(ii) consisted or formed part of an exempted article and incorporated a class 1 valve or valves but no class 2 valve;

(*b*) substances or articles which are radioactive waste solely because they have been contaminated by contact with or proximity to—

(i) exempted class 1 valves or class 1 valves incorporated in exempted articles; or

(ii) waste falling within the preceding sub-paragraph or this sub-paragraph,

is hereby excluded from the provisions of section 6(1), (2) and (3) of the Act (which relates to the disposal of radioactive waste) absolutely.

(2) Radioactive waste falling within the preceding paragraph is hereby excluded from the provisions of section 7(1) of the Act (which relates to the accumulation of radioactive waste) absolutely.

Exclusion of further descriptions of radioactive waste from sections 6 and 7 of the Act

10.—(1) Radioactive waste falling within any of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste—

(i) consisted or formed part of an exempted class 2 valve or a class 2 valve incorporated in an exempted article; or

(ii) consisted or formed part of an exempted article and incorporated a class 2 valve or valves;

(*b*) substances or articles which are radioactive waste solely because they have been contaminated by contact with or proximity to—

(i) exempted valves or valves incorporated in exempted articles, being or including class 2 valves; or

(ii) waste falling within the preceding sub-paragraph or this sub-paragraph,

is hereby excluded from the provisions of section 6(1) and (2) of the Act, subject to the conditions specified in the next following paragraph.

(2) The conditions to which the last preceding paragraph refers are—

(*a*) that the waste is dispersed in substantial quantities of other refuse which is not radioactive waste and, in the refuse in which it is dispersed, is disposed of either by causing or permitting its removal as refuse by a local authority or their contractors, or by depositing it, or causing or permitting its removal (by persons other than a local authority or their contractors) for deposit, at, on or in a tip, dump or pit used for the deposit in substantial quantities of refuse which is not radioactive waste;

(*b*) that if the waste is disposed of by deposit at, on or in any such place, it is not deposited in a part of that place which is a part in use for the deposit of radioactive waste only; and

(*c*) that in all the class 2 waste disposed of from the premises in any one week, there are not more than 10 class 2 valves (whether whole or in parts, whether or not incorporated in other articles and whether or not they or their contents are wholly or partly absorbed in, mixed with or adhering to other substances or articles).

(3) Any class 2 waste received for disposal as refuse by a local authority or their contractors is hereby excluded from the provisions of section 6(3) of the Act absolutely.

(4) Any class 2 waste received by persons other than a local authority or their contractors for the purpose of its being disposed of by them by deposit at, on or in a place referred to in paragraph (2)(*a*) of this Article is hereby excluded from the provisions of section 6(3) of the Act, subject to the conditions that—

(*a*) the waste is deposited at, on or in such a place; and

(*b*) it is not deposited in a part of any such place which is a part in use for the deposit of radioactive waste only.

(5) Any class 2 waste which is accumulated on the premises where it arose is hereby excluded from the provisions of section 7(1) of the Act, subject to the conditions that—

(*a*) it is contained in a closed container; and

(*b*) it is disposed of within a period of 2 weeks beginning with the date upon which its accumulation began.

(6) Any class 2 waste received—

(*a*) by a local authority or their contractors for disposal as refuse; or

(*b*) by persons other than a local authority or their contractors for the purpose of its being disposed of by them by deposit at, on or in a place referred to in paragraph 2(*a*) of this Article,

is hereby excluded from the provisions of section 7(1) of the Act, subject to the condition that it is disposed of as soon as practicable.

Revocation

11. The Radioactive Substances (Electronic Valves) Exemption (Scotland) Order 1962(**a**) is hereby revoked.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

30th November 1967.

(**a**) S.I. 1962/2773 (1962 III, p. 3931).

SCHEDULE

Column (1)	Column (2)	Column (3)
Cobalt 60	0.1	1
Nickel 63	0.1	1
Caesium 137	0.1	1
Thorium (any isotope of)	0.1	1
Thallium 204	0.1	1
Radium 226	0.1	1
Uranium (any isotope of)	0.1	1
Carbon 14	1	10
Chlorine 36	1	10
Promethium 147	5	30
Krypton 85	10	100
Tritium	150	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order exempts persons (in some cases conditionally) from registration under section 1 of the Radioactive Substances Act 1960 in respect of the keeping and use, except on manufacturers' premises, of "radioactive material" within the meaning of section 18(1) of that Act consisting of electronic valves possessing limited radioactivity and instruments and other articles incorporating such valves.

It also exempts persons unconditionally from registration under section 3 of that Act in respect of "mobile radioactive apparatus" within the meaning of section 18(5) of that Act incorporating such valves.

Articles 9 and 10 of the order provide for the exclusion (in some cases conditionally) from sections 6(1), (2) and (3) and 7(1) of that Act (which prohibit the disposal and accumulation of radioactive waste without authorisation) of certain descriptions of "radioactive waste" within the meaning of section 18(4) of that Act arising directly or indirectly from the keeping or use of valves or articles incorporating valves exempted by the order.

The order revokes and replaces the Radioactive Substances (Electronic Valves) Exemption (Scotland) Order 1962 and reproduces the provisions of that Order without any amendment of substance except for the inclusion of valves containing promethium 147, the raising of the limits of radioactivity of an exempted valve containing tritium or krypton 85 and the revision of the formula for limiting the radioactivity of a valve containing more than one specified radionuclide.